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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,058	03/22/2004	Todd A. Rasmussen	3492.01US02	1574

24113 7590 10/06/2005

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EXAMINER

ARCE DIAZ, MARLON A

ART UNIT PAPER NUMBER

3611

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*Office Action Summary*

Application No.

10/806,058

Applicant(s)

RASMUSSEN, TODD A.

Examiner

Marlon A. Arce-Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/31/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,4,5 are rejected under 35 U.S.C. 102(b) as being anticipated by Olson (US Patent No 2,888,178). Olson discloses an attachable car top carrier comprising of U-shaped bar bases (55,56), which are attached to suction cups (48,49,59,51), said U-shape bar and suction cups can be seen as an attachment device. An inverted channel shaped member (10), with a strap (28) positioned on integral top (14), said strap can be used as an attachment device to secure the items being carried; said inverted channel shaped member is attached to the U-shaped bases with nuts and bolts (61). Since there are two suction cups on each U-shaped base, it can be said that the attachable car top carrier can be placed on the back of a car or a sports utility in order to transport various items. Olson's invention also comprises a pair of hooks (62,63), attached to straps (64,65) which are threaded over round spreader bars (55', 56') and fastened to their inner ends about a wind up shaft (67), shaft (67) is secured by an integral collar (68) and the opposite end of said shaft is secured to ratchet wheel (69). It is understandable that the straps can be attached to the side of the vehicle, the door or the trunk of the vehicle to secure the inverted channel

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shaped member, said straps (64,65) can also be attached to the item being carried (pulled, towed) in order to secure the item safely. Referring to claim 6, it is shown in figure 1 that the inverted channel shaped bar is straight. Referring to claim 8, the U-shaped bar and the inverted shaped channel member disclosed by Olson are connected at opposite ends by nuts and bolts (61). Referring to claim 10, where the U shaped base (56) comprises a flexible linkage member. Referring to claim 11, where straps (64,65) can be attached to the vehicle body. It is also noted that the used of the apparatus disclosed above would result in the method to be perform.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,3,5,7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robins (US Patent No 6,840,418) in view of Davidge (US Patent No 5,649,436), and further in view of Levi (US Patent No 6,510,717). Robins discloses a bicycle carrier as shown in figure 1 comprising of a second frame member (38), mounting assemblies (26), a pair of straps (48) to secure secondary frame member to the vehicle. Robins fails to disclose the use of a magnet or a suction cup as an adhesive member to attach frame (38) to the

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vehicle. Davidge discloses an adhesively mounted security system comprising of a base member (26), an adhesive sheet (32) attached to vehicle surface (64) (Fig 9), a security cable (56) having a terminal end (60) and a locking mechanism (62). It would have been obvious to someone of ordinary skill in the art to attach Davidge invention to Robbins's second frame member in order to provide a more stable attachment of the carrier to the vehicle, the security cable and lock mechanism would allow Robbins's invention to move in different angles. Davidge fails to disclose the use of an attachment device that is removably securable about the handle of a wheeled waste vehicle. Levi discloses a strap lock comprising of a strap (10) and a lock (50). It would have been obvious for someone of ordinary skill in the art to attach Levi's strap to the mounting assemblies disclosed by Robins in order to attach said straps to any item being carried or pulled. Referring to claim 7, Robins's mounting assemblies can be adjusted to receive Levi's straps, or placed in the aperture where the frame of the bicycle is attached to the mounting assemblies (Fig 1). It is also noted that the use of the apparatus disclosed above would result in the method to be performed.

5. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson (US Patent No 2,888,178) in view of Walski (US Patent No 6,328,320). Olson discloses an attachable and detachable car top carrier as stated above. Olson fails to mention the use of a waste container as the item being carried. Walski discloses a waste container comprising of a body (12), a hinged mounted cover (16) a handle (18) and a pair of wheels (36). It would be obvious to someone skilled at the time in the invention was made to use Olson

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invention as a way to carry Walski's waste container by attaching strap (28) in Olson's invention to handle (18) of Walski's container. It is also noted that the used of the apparatus disclosed above would result in the method to be perform.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wysocki (US Patent No 6,276,557). Wysocki discloses a waste container. Bussey (US Patent No 2,757,958) Bussey discloses a portable powered fire extinguisher.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon A. Arce-Diaz whose telephone number is (571) 272-1341. The examiner can normally be reached on Mon-Fri 8:00 am to 4:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marlon Arce-Diaz

MAA

  
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